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CANCELLED

CASE NO. 1

**IN THE HIGH COURT OF JUDICATURE OF CHHATTISGARH,BILASPUR (C.G.)**

**Civil Revision No.:-** 126 / 2005. **S.B.** Single Bench

**APPLICANTS :-** **(Claimants)**

1. **Smt. Droupati Bai, Age-21 Yrs. Roop W/O Late Sant Kumar Baghel,**
2. **Virendra Baghel, Age-05 Yrs.[Minor]**
3. **Narendra Baghel, Age-03 Yrs.[Minor]**
4. **Ku. Mithilesh, Age-1 ½ Yrs. [ Minor] Applicant No.2-4 Father Late Sant Kumar Baghel**
5. Smt. Fekan Bai, Age- 50 Yrs. W/O Kapoor Das,
6. Kapoor Das Baghel, Age-56 Yrs S/O Puran Das Baghel

All the above Applicant No.1to 6are:- R/O –Village- Pendari, P.S.Chakarbhata, District:- Bilaspur, (C.G.)

P.R. No. 2552/05 Presented by Shri Vikas Gadekar dated 29/9/05

**: V E R S U S :**

**RESPONDENTS :-**

1. **Ganesh Ram, Age-36 Yrs. S/O Rikhi Ram,**

   R/O Village: - Achanakpur, P.S.Chakarbhata, District:- Bilaspur, (C.G.)

   [Driver Vehicle Dumper No.M.P.26/D/4813 New No.C.G.-10/ZB/2592]

2. **Ishtiyak Ahmad, Age-30 Yrs.** S/O Abdul Ahmad, R/O Bhartiya Nagar, F-5, District:- Bilaspur, (C.G.)

   [Reg. Owner Vehicle Dumper No.M.P.26/D/4813 New No.C.G.-10/ZB/2592]

3. The New India Assurance Com Ltd. Through The Branch Manager, District:- Bilaspur, (C.G.)

   [Insu. Com of Vehicle Dumper No.M.P.26/D/4813 New No.C.G.-10/ZB/2592]

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R4. Shiv Shankar, Age-60 Yrs.
S/O Jaglu Prasad Verma,
R/O Behind Satya Automobiles,
Near BJP Office, Karbala Road,
Bilaspur,District:- Bilaspur, (C.G.)

**-: MEMO OF CIVIL REVISION UNDER SECTION 115 OF CIVIL PROCEDURE CODE :-**

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

## आदेश पत्रक

मामला क्रमांक C.R. No. 126 सन् 2005

..... विरुद्ध .....

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
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**17.7.2006**

Shri Azad Siddiqui, counsel for the applicants.

None for respondentno.1.

Shri Vivek Shrivastava, counsel for respondent no.2.

Shri Qamrul Aziz, counsel for respondent no.3.

Shri Shiv Kumar Guha, Advocate appears for respondent no.4.

Arguments heard.

Order passed as follows:

**ORAL ORDER**

This revision is directed against the order dated 12.5.2005 passed in M.J.C. pertaining to Claim Case No.10/2004 by the Fifth Addl. Motor Accidents Claim Tribunal, Bilaspur (C.G). By the impugned order, the Claims Tribunal allowed the application of applicant no.5 & 6 regarding release of Rs.44,000 – 44,000/- to them which was deposited in view of the award dated 07th of October 2004 and has dismissed the prayer made on behalf of applicant no.1 for disbursing her portion of amount so awarded, which was also deposited with the Bank. It appears that in the aforesaid Motor Accidents Claim Case, certain amount of compensation was awarded to the applicants and an apportionment of the said amount was also made. As per the directions contained Paras -22, 23, 24 & 25, some portions of respective claimants including the minors were directed to be deposited with the Bank and the same were deposited. Applicants no.1, 5 & 6 filed application for disbursing their portions of deposits on the ground that they had purchased certain

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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land in the name of minors and the amount of consideration is to be paid to the seller. It is on this ground; the Tribunal allowed the prayer of applicants no.5 & 6 and disbursed the aforesaid amount. However, the prayer of applicant no.1 was dismissed.

Learned counsel for the applicants submits that since the transaction was in the interest of minors, therefore, the Tribunal should have disbursed the amount of applicant no.1 also so that the consideration of sale may be paid to the seller.

I am not convinced with this argument advanced by learned counsel for applicant no.1. It appears from the *Ekramama* (Annexure A-3) that the same was entered into between the seller and respondent no.6 and thereafter a sale deed for a consideration of Rs.1,90,000/- was executed in favour of the minors. No part of the agreement shows that the applicant No.1 was a consenting party to such a sale. Presently, it is not possible for this court to determine as to whether, in fact, the transaction was effected in the interest of minors or it was effected with some ulterior motive etc., and in the present facts and circumstances, the Tribunal was right in not disbursing the amount of applicant no.1 against the prayer made for purchasing the said property. There appears to be no illegality in the order passed by the Tribunal.

The revision has no merits and the same is dismissed.

/Rao/

**Sd/-**
**Sunil Kumar Sinha**
**Judge**

(पीछे देखिये)